

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

TROY E. TILLERSON,)	
)	
Plaintiff,)	
v.)	CASE NO. 3:05-cv-985-MEF-TFM
)	
THE MEGA LIFE AND HEALTH)	
INSURANCE COMPANY, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

This cause is before the Court on Defendants' Motion to Strike Plaintiff's State Law Claims, Claims for Punitive or Extracontractual Damages, and Jury Demand (Doc. # 40). The Court has carefully reviewed the submissions on this motion. In this Court's view, the arguments Defendants have presented are more appropriate for a dispositive motion such as a motion for summary judgment. Basically, they assert what the Eleventh Circuit Court of Appeals recognizes to be an affirmative defense and ask the Court to strike all of Plaintiff's claims and the jury demand. The Court is not inclined to consider such a request for relief in a motion to strike. Accordingly, Defendants' Motion to Strike Plaintiff's State Law Claims, Claims for Punitive or Extracontractual Damages, and Jury Demand (Doc. # 40) is DENIED. Nothing in this Order is intended to in any way prohibit Defendants from reasserting their arguments in a motion for summary judgment.

DONE this the 13th day of July, 2007.

/s/ Mark E. Fuller
CHIEF UNITED STATES DISTRICT JUDGE